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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,041	08/31/2000	Toshiaki Mizuno	Q60649	3447

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EXAMINER

LAUCHMAN, LAYLA G

ART UNIT PAPER NUMBER

2877

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/652,041

Applicant(s)

MIZUNO, TOSHIAKI

Examiner

L. G. Lauchman

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 14-38 is/are allowed.
- 6) ☐ Claim(s) 1 and 13 is/are rejected.
- 7) ☐ Claim(s) 2-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.5. 6) ☐ Other: \_\_\_\_\_

### ***Specification***

The disclosure of the Summary of the Invention is objected to because of the following informalities: It appears that the applicant repeated all the claims of the disclosure in the Summary of the Invention.

**BRIEF SUMMARY OF THE INVENTION:** See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention).

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 409 760 A1.

As to Claim 1, the European Patent Application discloses an apparatus comprising (see Fig. 1):

attaching means 18 having a reference axis to attach a cup 19 as a processing jig to a subject lens 26 along the reference axis;

illuminating means 28 for illuminating the lens 26;

a screen 15 for projecting an image of the lens 26, the screen 15 has a center and axis marks (see col. 3, lines 40-42), the image of which is being projected by the illuminating means 28;

imaging means 14 for picking up the images projected on to the screen 15;

display means, monitor (not shown) (see col. 3, lines 52-58, and col. 4, lines 1-3) for displaying in superposed manner information on the position of the optical center of the lens and the lens image picked up by the imaging means (see col. 3, lines 58, and col. 4, lines 1-3);

wherein the attachment of the cup 19 to the lens 26 is affected by alignment while observing display by the display means (not shown) (see col. 4, lines 4-13).

2 The European application does not specifically disclose an index plate having an index of a predetermined pattern and an optical-center detecting means for obtaining a position of an optical center of the lens by processing the index image picked up imaging means 14. 3 However, the European application teaches the screen 15 having axis and center marks that perform the function of the index plate with a predetermined pattern. It is indicated that the imaging device 14 also picks up the image of the frame ring to which the lens 26 is to be mounted, or in other words, it picks up a position of the center of the lens, and then both images (the lens image and the position of the optical center) get superimposed and evaluated on the display means.

4 Therefore, it would have been obvious to one skilled in the art to have an index plate having an index of a predetermined pattern in the European application instead of the marks on the screen 15, since both, the marks on the screen and the predetermined

pattern on the index plate, perform the same function of obtaining the position of the center of the lens). Since the function of obtaining the position of the center of the lens is being performed in the European application, inclusion of the index plate in the apparatus of Claim 1 of the current application lacks criticality.

As to Claim 13, the European Patent Application teaches all as applied to claim 1, except that the index of the predetermined pattern includes an index by dots arranged in the form of grid. However, the center and axis marks of the screen 15 could have been arranged in the form of grid, since they performed the same function as the claimed index pattern. Therefore, the dots arranged in the form of grid lack criticality of the claimed structure.

#### ***Allowable Subject Matter***

Claims 2-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to Claims 2 and 3, the prior art of record taken along or in combination, fails to disclose or render obvious the cylinder-axis detecting means for obtaining a direction of a cylinder axis of the lens as claimed, in combination with the rest of the limitations of claim 1.

As to Claim 5, the prior art of record taken along or in combination, fails to disclose or render obvious the forming means for forming on the display a reference mark as claimed, in combination with the rest of the limitations of claim 1.

As to Claim 7, the prior art of record taken along or in combination, fails to disclose or render obvious input means for inputting data on a shape of an eyeglasses frame into which the lens is fitted and data on layout of the lens with respect to the eyeglasses frame, in combination with the rest of the limitations of claim 1.

Claims 14-38 are allowed.

The following is an examiner's statement of reasons for allowance:

As to Claim 14, the prior art of record taken along or in combination, fails to disclose or render obvious position storing means for storing information on the position of the optical center obtained by the optical-center detecting means when the cup is attached to the lens and wherein the information on the position is used as information on correction at the time of processing, in combination with the rest of the limitations of the claim.

As to Claim 26, the prior art of record taken along or in combination, fails to disclose or render obvious cylinder axis instructing means for instructing a direction of the cylinder axis of the lens, in combination with the rest of the limitations of the claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

Papers related to this application may be submitted to Technology Center 2800 by facsimile transmission. Papers should be faxed to TC 2877 via the PTO Fax Center located in CP4-4C23. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CP4 Fax Center number is (703) 872-9306.

If the Applicant wishes to send a Fax dealing with either a Proposed Amendment or for discussion for a phone interview then the fax should:

- a) Contain either the statement "DRAFT" or "PROPOSED AMENDMENT" on the Fax Cover Sheet; and
- b) Should be unsigned by the attorney or agent.

This will ensure that it will not be entered into the case and will be forwarded to the examiner as quickly as possible.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to L. G. Lauchman whose telephone number is (703) 305-0071.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink, appearing to read 'L. G. Lauchman', with a long horizontal flourish extending to the right.

L. G. Lauchman  
Patent Examiner  
Art Unit 2877  
9/19/03/lgl